

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAMIEN DARNELL HARRIS,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. 3:15-cv-5191 RJB-JRC

ORDER ON REPORT AND  
RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge J. Richard Creatura's Report and Recommendation (Dkt. 4). The Court has considered the Report and Recommendation, and the file herein.

On March 31, 2015, petitioner filed a § 2254 petition, requesting that the Court grant him *in forma pauperis* status and waive the five dollar filing fee. Dkt. 1.

On April 3, 2015, Magistrate Judge Creatura issued a Report and Recommendation, recommending that the Court deny petitioner *in forma pauperis* status because he determined that petitioner can afford to pay the five dollar filing fee. Dkt. 4.

On April 9, 2015, petitioner paid the five dollar filing fee.

1 On April 13, 2015, petitioner filed his Objections to the Report and Recommendation,  
2 requesting that the Court grant him *in forma pauperis* status because he did not have the five  
3 dollar filing fee when he signed and mailed his § 2254 petition. Dkt. 9.

4 Magistrate Judge Creatura's Report and Recommendation and petitioner's Objections are  
5 moot because petitioner has already paid the five dollar filing fee. Accordingly, the Court should  
6 re-refer this case to Magistrate Judge Creatura for further proceedings.

7 The Court, having reviewed the Report and Recommendation, and the file herein, does  
8 hereby **ORDER** that:

9 (1) The Report and Recommendation (Dkt. 4) and Petitioner's Objections to Report  
10 and Recommendation to Proceed In Forma Pauperis (Dkt. 9) are **MOOT**.

11 (2) This matter is **RE-REFERRED** to Magistrate Judge Creatura for further  
12 proceedings.

13 (3) The Clerk shall direct copies of this Order to all counsel and to Magistrate Judge  
14 J. Richard Creatura.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 16th day of April, 2015.

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20 ROBERT J. BRYAN  
21 United States District Judge  
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